



MURIEL GOODE-TRUFANT
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

Joseph V. Martino
Special Assistant Corporation Counsel
Office: (212) 356-0878

VIA ECF

Hon. Robyn F. Tarnofsky
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

The parties' joint motion to stay this case pending a decision concerning charging lien claims from the Law Office of Adrienne Arkontaky (a former Cuddy Law Firm attorney) against the Cuddy Law Firm (Supreme Court of the State of New York, Cayuga County, Index No. E2024-0133) is GRANTED. Plaintiff is ORDERED to notify this Court within two business days of the state court decision. SO ORDERED. The Clerk of Court is respectfully requested to terminate ECF 12.

Date: 1/21/2025
New York, NY

SO ORDERED


ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE

Re: Cuddy Law Firm P.L.L.C., v. N.Y.C. Dep't of Educ., 24-cv-9496(MMG)(RFT)

Dear Judge Tarnofsky:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Muriel Goode-Trufant, attorney for Defendant in the above-referenced action, wherein Plaintiffs seek solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

I write to respectfully request that the Court stay the instant proceeding due to a pending lawsuit regarding a charging lien against the Plaintiff. Plaintiff consents to this motion. This is the first request to stay this action.

Defendant was informed of a number of charging liens claims from the Law Office of Adrienne Arkontaky (a former Cuddy Law Firm attorney) against the Cuddy Law Firm (Supreme Court of the State of New York, Cayuga County, Index No. E2024-0133) at some point last year. The instant action seeks attorney's fees for work performed in administrative hearing No. 225704, one of the hearings subject to a lien. A hearing on the charging liens took place on June 18, 2024, however a decision has yet to be rendered. This matter cannot be settled until the charging lien matter is resolved. Further, there can be no meeting of the minds or an agreement to pay any settlement amount until the lien dispute (to which Defendant is not a party) is resolved, whether by Court order, formal withdrawal, or by a negotiated release. The Court should note that Judge Broderick granted a stay in 23-cv-9898(VSB)(OTW) where the same issue arose.

Thus, Defendant respectfully requests that the Court issue a stay in this matter until the Cayuga County Supreme Court decides the lien issue. The parties will use the requested stay to continue negotiations, with the goal of settling the matter once the lien issue has been resolved.

We note that 95% of the IDEA fees-only actions that are filed in this District are settled without burdening the Court with any motion practice or even the filing of a response to the complaint. The parties are optimistic that this case will take that same course. The parties propose that a status letter be due on February 28, 2025 providing the Court with an update on the status of the Cayuga County Supreme Court Action.

Thank you for considering this request.

Respectfully submitted,

/s/ Joseph V. Martino

Joseph V. Martino, Esq.

Special Assistant Corporation Counsel

cc: Benjamin Kopp, Esq. (via ECF)